

REMARKS

In the Office Action, the Examiner rejected claims 1, 6-11, 13-14 and 16-17 pursuant to 35 U.S.C. § 102(b) as being anticipated by Horner et al. (U.S. Patent No. 4,528,652). Claims 1, 9-10 and 12-14 were rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by McElroy et al. (U.S. Patent No. 3,794,866). Claims 3-4 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Horner et al. in view of Trzaskos (U.S. Patent 4,382,201). Claims 5 and 15 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Horner et al. in view of Saito et al. (U.S. Patent No. 4,571,520). Claim 2 was objected to as allowable if rewritten. Claims 18-21 were allowed. Applicants respectfully request reconsideration of the rejections of claims 1 and 3-17, including independent claims 1 and 13.

Independent claim 1 recites a composite with a first material including a plurality of pockets filed with but not bonded to particles of a second material. Horner et al. and McElroy et al. do not disclose these limitations.

Horner et al. use a low viscosity potting gel and a filler selected from oxides, metal powders and glass microspheres (abstract and Col. 1, lines 48-52). The potting gel of silicone rubber or epoxy is mixed with the filler (Col. 3, lines 6-14). After mixing, the mixture is degassed in a vacuum chamber (Col. 3, lines 15-18). The mixture is poured over the back of the elements or cast over an element (Col. 2, lines 13-15 and 29-33). The use of silicone or epoxy with the filler does not disclose the materials being not bonded. The Examiner alleges unbonded contact by gas evacuation. However, gas evacuation merely removes gases, such as air, introduced by the mixing operation. Gas evacuation provides no bond between the filler and epoxy or silicone.

McElroy et al. form a body of pressed fibers of a heavy nonresonant material (Col. 2, lines 8-10). Lead, tin, silver gold, platinum or alloys formed from combinations are used for the fibers (Col. 5, lines 51-54; and Col. 8, lines 10-16). A mixture of fibers of various materials may also be used (Col. 7, lines 16-17). The strands of fiber are sufficiently compacted, leaving some air space, to unify the structure so that one portion cannot vibrate relative to another (Col. 6, lines 31-47). McElroy et al. use strands of fiber, so do not disclose particles. The Examiner cites to the air space, but air space is not particles.

Independent claim 13 has been amended to include the limitations of claim 17. Claim 13 recites one material operable to generate friction with the other material in response to applied acoustic energy. Horner et al. provide filler in epoxy or silicone. There is no suggestion of friction between the materials. Degassing merely removes air, so does not free one material relative to another to allow friction.

Dependent claims 2-12 and 14-16 depend from independent claims 1 and 13, respectively, so are allowable for the same reasons as the independent claim from which they depend. Further limitations patentably distinguish the dependent claims from the cited references. Claim 7 recites relative acoustic impedance of materials. Horner et al. do not show this relative impedance. Claim 10 recites enclosed but unbonded material. Horner et al. and McElroy et al. do not suggest enclosed but unbonded. Claim 11 recites the unbonded material being operable to generate friction. As discussed for claim 13, Horner et al. do not suggest the material operable to generate friction. Claim 16 recites a substantially same acoustic impedance of materials. Horner et al. do not disclose this limitation.

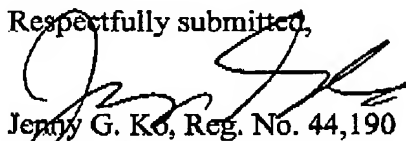
CONCLUSION:

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (650) 694-5810 or Craig Summerfield at (312) 321-4726.

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